



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 14, 2018

**BY ECF**

The Honorable Ronnie Abrams  
United States District Judge, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United States v. Galanis, et al., S3 16 Cr. 371 (RA)**

Dear Judge Abrams:

The Government respectfully submits this letter to object to exhibits identified by defendants Archer and Cooney on June 13, 2018 containing excerpts of text message exchanges between Michelle Morton, Jason Galanis, and others. The vast majority of these text messages are irrelevant and, as offered by the defense, contain inadmissible hearsay for which no obvious exception applies.

**A. Cooney's DX 3800 and 3801**

DX 3800 is a series of August 15, 2014 communications between Morton and Jason Galanis in which Morton asks to be introduced to Cooney when she visits Los Angeles. Galanis writes back stating that Cooney was traveling to Montana to visit with his mother who was recently diagnosed with brain cancer. These text messages are irrelevant and should not be admitted. These August 15, 2014 communications also contain irrelevant flirtation and banter between Jason Galanis and Morton, which should also be excluded.

DX 3801 contains a series of text messages between Jason Galanis and Michelle Morton on March 5, 2015 in which Galanis describes how Cooney has connections to various individuals in the music industry. Some of these communications overlap with portions of GX3004A, which the Government, of course, has no objection to admitting, but the remainder contains hearsay and irrelevant statements by Jason Galanis and Michelle Morton.

**B. Archer's DX 3004, 3004B and 4817**

DX 3004 contains numerous text messages between Michelle Morton and others that are irrelevant, confusing, and prejudicial, and which contain inadmissible hearsay. For example, DX 3004 contains text messages between Jerry Thunelius, an employee of Atlantic Asset Management, regarding their meeting on March 25, 2015, during which Morton and Thunelius coordinate their meeting, discuss the Hughes purchase of Atlantic, and Morton describes how

certain Atlantic employees are going to have to work for her and she is going to write a book called "Two years a slave[.]" Morton then reports to Jason Galanis a summary of her meeting with Thunelius. These statements are all hearsay and should be precluded. The Government also objects to DX 4817, a series of text messages between Morton and Thunelius which contain some of the same text messages as in DX 3004. In particular, Archer cannot object to GX 955, a March 25, 2015 email from Morton to her business partner regarding Morton's meeting with "the chairman of board of wealth assurance and two board members" while at the same time seeking to introduce text messages relating to Morton's meetings with others that same day, including these text messages with Thunelius.

DX 3004B comprises text messages between Jason Galanis and Michelle Morton from approximately July 24, 2014 through September 3, 2015. The text messages generally appear to reflect: (1) sexual innuendo or banter between Jason Galanis and Michelle Morton; (2) discussions regarding Jason Galanis's meetings, calls or communications with various individuals, including Archer, Jason Sugarman, Devin Wicker, Bevan Cooney, Andrew Godfrey, and others; and (3) Morton's meetings with Jason Sugarman and others, including text messages about what appears to be a marketing presentation in September 2014. As the proponent of this evidence, Archer should identify an evidentiary basis for each of these text messages, which are irrelevant and/or contain inadmissible hearsay.

Respectfully submitted,

ROBERT KHUZAMI

Attorney for the United States, Acting Under  
Authority Conferred by 28 U.S.C. § 515

By: /s/  
Rebecca Mermelstein  
Brendan F. Quigley  
Negar Tekeei  
Assistant United States Attorneys  
(212) 637-2360/2190/2482

cc: Counsel of record (via ECF)